

EXHIBIT B

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : March 7, 2017
JUDGE : Allen Sumner
REPORTER : N/A

DEPT. NO : 42
CLERK : M. Garcia
BAILIFF : N/A

BUTTE FIRE CASES

Judicial Council Coordination
Proceeding No.: 4853

Nature of Proceedings: ORDER AFTER HEARING ON SEVENTH CASE MANAGEMENT
CONFERENCE

Case Management Conference number 7 was held March 2, 2017, with the attached list of liaison and lead counsel present, and others joining by CourtCall as indicated in the reporter's transcript.

The court and counsel addressed the following:

March 1, 2017, informal status conference

The court, most liaison and lead counsel, and other counsel met March 1, 2017, with Mediation Coordinator Judge Richard Gilbert to informally discuss the general posture of the Coordinated Proceeding and Judge Gilbert's mediation. Thereafter, Judge Gilbert met further with counsel to discuss mediation issues.

Case Status

There are now 55 complaints, with 1,974 individual plaintiffs reflecting 1,150 households. No add-on motions were pending. The parties anticipate additional plaintiffs will be filing complaints and petitioning to add on to the Coordinated Proceeding.

On November 28, 2016, PG&E filed suit in San Francisco County Superior Court against co-defendant Trees Inc. and its insurer, Liberty Mutual, to recover PG&E's asserted damages resulting from the refusal of Trees Inc. and Liberty Mutual to defend and indemnify PG&E in this Coordinated Proceeding. (*Pacific Gas & Electric Co. v. Liberty Mutual Fire Insurance Co., et al.* [S.F. Sup. Ct. # CGC16-555539].)

On December 28, 2016, Liberty Mutual filed Notice of Removal in the United States District Court for the Northern District of California based on diversity jurisdiction. On January 12, 2017, the District Court set a case management conference of April 6, 2017. (*Pacific Gas & Electric Co. v. Liberty Mutual Fire Insurance Co., et al.* [U.S. Dist. Ct. # 16-cv-07365-])

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JD].) Plaintiffs indicated they intend to request intervention in the federal action, seeking to have it returned to state court.

Trees Inc. filed a cross-complaint in *Pacific Gas & Electric Co. v. Liberty Mutual Fire Insurance Co., et al.* It is not clear if that cross-complaint was removed to federal court with the rest of the action. Trees Inc. indicates it has since moved to dismiss that cross-complaint. However, on February 17, 2017, plaintiffs in this Coordinated Proceeding moved to add on Trees Inc.'s cross-complaint as part of this Coordinated Proceeding. Plaintiffs had requested hearing on their petition be set March 17, 2017.

That date is vacated, with the parties to meet and confer on the matter. If plaintiffs wish to proceed with this, or a related motion, they may file to have it heard at the next Case Management Conference, set April, 14, 2017.

Separately, on February 28, 2017, Tress Inc. filed its answer to PG&E's cross-complaint in this Coordinated Action, and additionally cross-complained against PG&E and co-defendant ACRT on the question of indemnification. ACRT indicates it will also be responding to PG&E's cross-complaint.

Mediation

The claims of 204 plaintiffs have now been settled through mediation (along 74 other individuals who had not filed in this Coordinated Proceeding.) Some 20 claims are currently in mediation, with 50 more scheduled.

Discovery

Three discovery motions have been submitted to the discovery referee, retired Justice Fred Morrison:

- 1) PG&E's motion to protect attorney work product. The referee's recommendation was submitted February 15, 2017. Plaintiffs' objections were submitted February 24, 2017. PG&E's reply is due March 6, 2017. Hearing is set for April 14, 2017.

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- 2) Plaintiffs' motion to compel PG&E employees to bring their laptop computers to depositions. The referee's recommendation was submitted February 27, 2017. Objections are due March 10, 2017. If fully briefed and ready for hearing, this matter may also be set for April 14, 2017.
- 3) Plaintiffs' request for discovery relating to Trees Inc.'s bonus program. This was heard by the referee January 25, 2017, with a proposed recommendation being circulated. If there are objections to the referees' recommendation and the matter is fully briefed and ready for hearing, it may also be set for April 14, 2017.

The parties and referee are working on a proposed order by the referee to expedite resolution of discovery disputes submitted to the referee.

Pre-trial Motions

Standing Order re Sealing

On February 20, 2017, the parties filed a Joint Motion to Seal financial information disclosed in petitions submitted for the court to approve the settlement of minors' claims. Hearing was left to be determined.

On January 5, 2017, the court approved a motion to file such information under seal related to the claim of minor Abigail Marie Guthrie. The court's order concluded sealing of the financial terms of a minor's settlement reached through mediation was appropriate to maintain the confidentiality of the mediation process - particularly in an ongoing Coordinated Proceeding involving close to 2,000 plaintiffs. The parties now seek a "standing order" allowing future petitions to approve minors' claims to be similarly filed.

The Joint Motion will now be noticed for hearing April 7, 2017, at 1:30.

Inverse Condemnation

Plaintiffs had requested a hearing date of April 14, 2017, for an anticipated motion for a legal determination of inverse condemnation. PG&E indicated it will be serving discovery requests relating to the issue of inverse condemnation.

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Plaintiffs' anticipated motion will be set for hearing April 7, 2017, at 1:30.

Trial Setting

Preference Plaintiffs

On February 17, 2017, plaintiffs jointly filed motions for preference under Code of Civil Procedure section 36. Hearing on the motion was set for March 17, 2017. Plaintiffs anticipate a trial as early as July with all plaintiffs requesting preference.

Hearing on the anticipated motion was continued to April 7, 2017, at 1:30. The request for trial preference will include the eight plaintiffs who have filed motions and any other plaintiffs claiming preference who want to join the motion.

Trial Schedule

The parties will meet and confer on a proposed trial schedule, anticipating that some plaintiffs will be entitled to trial preference. The proposed trial schedule will address, inter alia:

- (1) scheduling and location of any trial for plaintiffs qualifying for calendar preference;
- (2) scheduling hearing on inverse condemnation;
- (3) the status of discovery necessary to hear these matters;
- (4) anticipated motions in limine or pre-trial hearings for such trials;
- (5) the overlap, if any, of witnesses and evidence between inverse condemnation and other causes of action on the merits;
- (6) the anticipated number of plaintiffs asserting preference who will be joining the motion, their types of damages, and the anticipated length of the preference trial.

Plaintiffs will submit their initial draft trial schedule to plaintiffs for comment the week of March 6, 2017. The parties Joint Proposed Trial Schedule will be submitted April 5, 2017.

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Case Management Conference #8

Case Management Conference #8 is set April 14, 2017, at 9:00 am. The parties' Joint Case Management Statement will be submitted April 5, 2017

DATED:

3/8/2017

Allen Sumner



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